**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.3506 of 2007**

**Date: 23.02.2007**

Between:
K.Srinivasa Reddy

....Petitioner

and

The Southern Power Distribution Company
of Andhra Pradesh Limited and others.

....Respondents

**O R D E R:**

The petitioner is provided with power supply through service connection No.193 under domestic category at Dachapalli Village, Guntur District. The service connection was inspected on 03.09.2005. On finding that the petitioner was running a sweet stall, the Assistant Divisional Engineer, the first respondent herein, initially issued a show cause notice, and thereafter, passed an order of assessment levying an amount of Rs.39,496/-. He preferred an appeal before the second respondent against the order of assessment. His grievance is that the appellate authority did not pass any orders so far and that he was compelled to approach the second respondent with a representation, since there was pressure for payment of amount.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The petitioner is said to have availed the remedy of appeal against the order of assessment. During the pendency of the appeal, his interest needs to be protected. Even under Section 127 of the Electricity Act, 2003, the appellate authority is under obligation to grant stay on payment of one-third of the disputed amount.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing that there shall be stay of collection of any amount from the petitioner on the basis of the final assessment order, on condition that the petitioner deposits a sum of Rs.10,000/- (Rupees ten thousand only) within one month

from today. There shall be no order as to costs.

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23.02.2007

kdl

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